

# **JOURNAL OF THE HOUSE**

## **NINETY-FIRST SESSION**

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SIXTEENTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Friday, February 5, 2016

The House convened at 12:30 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Josh Baumann, followed by the Pledge of Allegiance led by House page Joshua Vaith.

Roll Call: All members present except Reps. Bordeaux, Feickert, Hawks, Kaiser, Schoenbeck, Schrempp, and Sly who were excused.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the fifteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Dean Wink, Chair

Which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration HB 1129 and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration HB 1125 and returns the same with the recommendation that said bill be amended as follows:

1125oa

On page 1, after line 7 of the printed bill, insert:

" Section 2. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

1125ota

On page 1, line 2, of the printed bill, after "rights" insert "and to declare an emergency".

And that as so amended said bill do pass.

Also MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration HB 1138 and returns the same with the recommendation that said bill be amended as follows:

1138ra

On page 2, after line 24 of the printed bill, insert:

" Section 3. That § 23-7-56 be amended to read:

23-7-56. The holder of the permit may renew the permit through the sheriff of the county where the holder resides for a period beginning ninety days before the permit expires and ending thirty days after expiration of the permit, if the holder pays the fifty dollar renewal fee and passes a National Instant Criminal Background Check. If the holder of the enhanced permit to carry a concealed pistol does not renew the permit within thirty days of expiration of the permit, the holder must reapply for an enhanced permit to carry a concealed pistol pursuant to § 23-7-53. The renewal fee shall be distributed fifty percent to the sheriff and fifty percent to

1 the secretary of state to be used by the secretary of state to administer the concealed carry  
2 program.".

3 And that as so amended said bill do pass.

4 Respectfully submitted,  
5 Brian G. Gosch, Chair

6 Also MR. SPEAKER:

7 The Committee on Commerce and Energy respectfully reports that it has had under  
8 consideration HB 1210 and returns the same with the recommendation that said bill do pass.

9 Also MR. SPEAKER:

10 The Committee on Commerce and Energy respectfully reports that it has had under  
11 consideration HB 1091 and returns the same with the recommendation that said bill be amended  
12 as follows:

13 1091ra

14 On page 12 of the printed bill, delete lines 9 to 24, inclusive.

15 Delete page 13.

16 And that as so amended said bill do pass.

17 Respectfully submitted,  
18 Tim Rounds, Chair

19 Also MR. SPEAKER:

20 The Committee on Judiciary respectfully reports that it has had under consideration  
21 HB 1105 and returns the same with the recommendation that said bill do pass and be placed on  
22 the consent calendar.

23 Also MR. SPEAKER:

24 The Committee on Judiciary respectfully reports that it has had under consideration  
25 HB 1064 and returns the same with the recommendation that said bill be amended as follows:

1 1064fa

2 On page 1, line 5, of the printed bill, delete "§§ 49-16A-105 to 49-16A-109, inclusive," and  
3 insert "§§ 49-16A-107 and 49-16A-108".

4 On page 1, line 7, before "." insert "and the person owns, leases, or uses a minimum of five  
5 miles of railroad track".

6 And that as so amended said bill do pass.

7 Also MR. SPEAKER:

8 The Committee on Judiciary respectfully reports that it has had under consideration  
9 HB 1183 and returns the same with the recommendation that said bill be amended as follows:

10 1183ra

11 On page 1, line 10, of the printed bill, delete everything before ":" and insert "22-19A or  
12 25-10".

13 And that as so amended said bill do pass and be placed on the consent calendar.

14 Respectfully submitted,  
15 G. Mark Mickelson, Chair

16 **MESSAGES FROM THE SENATE**

17 MR. SPEAKER:

18 I have the honor to return herewith HB 1058 which has been amended by the Senate and  
19 your concurrence in the amendments is respectfully requested.

20 Also MR. SPEAKER:

21 I have the honor to inform your honorable body that HB 1055 was lost on second reading  
22 and final passage.

23 Also MR. SPEAKER:

24 I have the honor to return herewith HB 1003, 1016, 1034, 1035, 1049, 1050, 1052, and  
25 1057 which have passed the Senate without change.

1 Also MR. SPEAKER:

2 I have the honor to transmit herewith SB 3, 7, 59, and 74 which have passed the Senate and  
3 your favorable consideration is respectfully requested.

4 Respectfully,  
5 Kay Johnson, Secretary

6 **MOTIONS AND RESOLUTIONS**

7 HOUSE PAGE RESOLUTION 2 Introduced by: Representatives Anderson; Bartling;  
8 Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto; Dryden;  
9 Duvall; Feickert; Gibson; Gosch; Greenfield, Lana; Haggar, Don; Harrison; Haugaard; Hawks;  
10 Hawley; Heinemann; Holmes; Hunhoff, Jean; Hunt; Jensen, Alex; Johns; Kaiser; Killer;  
11 Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Munsterman;  
12 Novstrup, Al; Otten, Herman; Partridge; Peterson, Kent; Qualm; Rasmussen; Ring; Romkema;  
13 Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum;  
14 Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wink;  
15 Wollmann; Zikmund.

16 A RESOLUTION, Expressing the appreciation and gratitude of the House of Representatives  
17 of the Ninety-first Legislature of the State of South Dakota to Kelly Colburn, Lyndsey  
18 Effling, Logan Ellingson, Kimberly Grambihler, Isabella Hagg, Timber Hudson, Amber  
19 Hulse, Kylie Krcil, Conrad Mohr-Eymer, Cory Murphy, Emma Pease, Georgiale Quail,  
20 Joshua Vaith.

21 WHEREAS, the above named served loyally as pages for the House of Representatives of  
22 the Ninety-first Legislative Session; and

23 WHEREAS, the members of the Ninety-first House of Representatives express their most  
24 sincere appreciation to these young people for their service to the state; and

25 WHEREAS, the members extend to these young people their wishes for every success in  
26 life:

27 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-  
28 first Legislature of the State of South Dakota, that a personal copy of this resolution be duly  
29 certified and furnished to each page on this last day of service.

30 Rep. Stevens moved that House Page Resolution 2 be adopted.

31 Which motion prevailed and the resolution was adopted.

1 Rep. Cronin moved that HCR 1007 be deferred to Tuesday, February 23, the 26<sup>th</sup> legislative  
2 day.

3 Which motion prevailed.

4 Rep. Haggar moved that HCR 1008 be deferred to Monday, February 8, the 17<sup>th</sup> legislative  
5 day.

6 Which motion prevailed.

7 Rep. Stalzer moved that HCR 1009 be deferred to Monday, February 8, the 17<sup>th</sup> legislative  
8 day.

9 Which motion prevailed.

10 HCR 1010 Introduced by: Representative Bordeaux and Senator Bradford

11 A CONCURRENT RESOLUTION, Calling for a policy to provide a full and fair resolution of  
12 the claims to the Black Hills by the Sioux Nation tribes.

13 WHEREAS, the Sioux Nation tribes of the Cheyenne River, Crow Creek, Lower Brule,  
14 Oglala, Rosebud, Flandreau Santee, Santee Sioux Tribes, and the Fort Peck Sioux Tribes are  
15 signatories to the Great Sioux Nation bands and are signatories to the 1868 United States Treaty  
16 with the Sioux Nation; and

17 WHEREAS, the 1868 Treaty with the Sioux Nation set lands in western South Dakota,  
18 including the Black Hills National Forest, as the permanent home of the Sioux Nation tribes;  
19 and

20 WHEREAS, the Black Hills area was taken from the Sioux Nation tribes without  
21 compensation in violation of the 1868 Treaty with the Sioux Nation and the Fifth Amendment  
22 of the United States Constitution; and

23 WHEREAS, the Indian Claims Commission litigation addressed in *Sioux Nation v. United*  
24 *States* was inherently limited by statutory jurisdictional limits not present under the Quiet Title  
25 Act or other federal court jurisdictional statutes and as a result a full and fair resolution of the  
26 Black Hills claims was not possible:

27 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-  
28 First Legislature of the State of South Dakota, the Senate concurring therein, that the Legislature  
29 supports a policy to provide for a full and fair resolution of the Black Hills claims of the Sioux  
30 Nation tribes, including full and fair compensation consistent with the Fifth Amendment to the  
31 United States Constitution, the return of select federal lands in the Black Hills National Forest,  
32 and a National Commission to meet with federal, tribal, and state officials to negotiate a full and  
33 fair resolution; and

1 BE IT FURTHER RESOLVED, that this policy may not form the basis for litigation or a  
2 cause of action against the State of South Dakota, that private lands and homes may not be  
3 affected by such policy, and that essential federal lands, such as Mount Rushmore, national park  
4 lands, United States Postal lands, Ellsworth Air Force Base, and other lands necessary for the  
5 national interest may not be disturbed.

6 Was read the first time and referred to the Committee on State Affairs.

## 7 **CONSIDERATION OF REPORTS OF COMMITTEES**

8 Rep. Gosch moved that the reports of the Standing Committees on

9 Taxation on HB 1083 as found on page 274 of the House Journal; also

10 Health and Human Services on SB 20 as found on page 275 of the House Journal be  
11 adopted.

12 Which motion prevailed.

## 13 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

14 The following bill was read on Tuesday, February 2, and today the Speaker assigned this  
15 bill to committee.

16 HB 1182 was referred to the House Committee on Appropriations.

## 17 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

18 SB 3: FOR AN ACT ENTITLED, An Act to revise the income criteria for determining if  
19 property is classified as agricultural land for property tax purposes.

20 Was read the first time.

21 SB 7: FOR AN ACT ENTITLED, An Act to revise the composition of the state trunk  
22 highway system.

23 Was read the first time.

SB 59: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the application of the special annual road funding levy.

Was read the first time.

SB 74: FOR AN ACT ENTITLED, An Act to authorize members of certain governing bodies who are displaced by a natural disaster to continue their term of office.

Was read the first time.

## SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

Rep. Gosch moved that the balance of the calendar including HB 1102, 1112, 1107, 1051, 1150, 1120, and 1151 and SB 10, 11, 17, 18, 68, 27, 28, 2, and 12 be deferred to Monday, February 8, the 17<sup>th</sup> legislative day.

Which motion prevailed.

There being no objection, the House reverted to Order of Business No. 5.

## REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared HB 1003, 1016, 1034, 1035, 1049, 1050, 1052, and 1057 and finds the same correctly enrolled.

Respectfully submitted,  
Dean Wink, Chair

## SIGNING OF BILLS

The Speaker publicly read the title to

HB 1003: FOR AN ACT ENTITLED, An Act to revise certain administrative functions regarding county government.



1 HB 1016: FOR AN ACT ENTITLED, An Act to revise the authority granted to the  
2 Building Authority and to the Board of Regents to construct certain improvements at South  
3 Dakota State University in Brookings and the University of South Dakota in Vermillion.

4 HB 1034: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning local  
5 government elections.

6 HB 1035: FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions  
7 concerning voter registration, vote centers, and conducting elections.

8 HB 1049: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
9 references to the Internal Revenue Code.

10 HB 1050: FOR AN ACT ENTITLED, An Act to repeal certain obsolete mini-storage tax  
11 refund provisions.

12 HB 1052: FOR AN ACT ENTITLED, An Act to revise certain alcoholic beverage business  
13 restrictions on Department of Revenue employees.

14 HB 1057: FOR AN ACT ENTITLED, An Act to revise the rule-making authority of the  
15 South Dakota Commission on Gaming.

16 And signed the same in the presence of the House.

17 Rep. Anderson moved that the House do now adjourn, which motion prevailed and at  
18 1:09 p.m. the House adjourned.

19 Arlene Kvislen, Chief Clerk

